

SENATE BILL No. 35

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-19; IC 35-31.5-2; IC 35-43-2.5.

Synopsis: Single sex facilities. Provides that student facilities in school buildings must be designated for use by female students or male students, and may be used only by the students of the biological gender for which the facility is designated. Makes it a Class A misdemeanor if: (1) a male knowingly or intentionally enters a single sex public facility that is designed to be used by females; or (2) a female knowingly or intentionally enters a single sex public facility that is designed to be used by males.

Effective: July 1, 2016.

Tomes

January 5, 2016, read first time and referred to Committee on Public Policy.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 35

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-19 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]:

4 **Chapter 19. School Facilities**

5 **Sec. 1. This chapter applies to a public school, including a**
6 **charter school.**

7 **Sec. 2. As used in this chapter, "biological gender" refers to the**
8 **physical condition of being male or female, as determined by an**
9 **individual's chromosomes and identified at birth by the**
10 **individual's anatomy.**

11 **Sec. 3. As used in this chapter, "student facility" means a locker**
12 **room, restroom, or shower room that is:**

13 **(1) designated for student use; and**

14 **(2) accessible by multiple students at the same time.**

15 **Sec. 4. (a) Each student facility within a school building must be**
16 **designated for use by only female students or only male students.**

17 **(b) A student facility designated solely for:**



(1) female students may be used only by students of female biological gender; and

(2) male students may be used only by students of male biological gender.

Sec. 5. In any school setting in which a student may be in a state of full or partial undress in the presence of other students, school personnel shall ensure that separate, private areas are provided for use by only female students and only male students based upon the students' biological genders.

SECTION 2. IC 35-31.5-2-130.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 130.5. "Female", for purposes of IC 35-43-2.5, has the meaning set forth in IC 35-43-2.5-2.**

SECTION 3. IC 35-31.5-2-191.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 191.5. "Male", for purposes of IC 35-43-2.5, has the meaning set forth in IC 35-43-2.5-3.**

SECTION 4. IC 35-31.5-2-305.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 305.5. "Single sex public facility", for purposes of IC 35-43-2.5, has the meaning set forth in IC 35-43-2.5-4.**

SECTION 5. IC 35-43-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 2.5. Single Sex Public Facility Trespass

Sec. 1. This section does not apply to:

- (1) a person who is a student at a school;
- (2) a person less than eighteen (18) years of age; or
- (3) a facility in a private residence.

Sec. 2. As used in this section, "female" means an individual who:

- (1) was born female at birth; or
- (2) has at least one (1) X chromosome and no Y chromosome.

Sec. 3. As used in this section, "male" means an individual who:

- (1) was born male at birth; or
- (2) has at least one (1) X chromosome and at least one (1) Y chromosome.

Sec. 4. As used in this section, a "single sex public facility" means a locker room, restroom, or shower room that is:

- (1) in a place of public accommodation;
- (2) accessible by multiple people at the same time; and



(3) designated for use by only males or only females.

Sec. 5. A:

(1) male who knowingly or intentionally enters a single sex public facility that is designed to be used by females; or

(2) female who knowingly or intentionally enters a single sex public facility that is designed to be used by males;

commits single sex public facility trespass, a Class A misdemeanor.

Sec. 6. It is a defense to a prosecution under this chapter if a person enters a single sex public facility:

(1) for custodial purposes;

(2) to render medical assistance; or

(3) to accompany a child less than eight (8) years of age.

